

Transcript of the Testimony of Felipe de Jesus Avila-Soto

Date: December 16, 2025

**Felipe de Jesus Avila-Soto, et al v. South Central
Sugarcane Growers Association, et al**

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**EXHIBIT
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

FELIPE DE JESUS
AVILA-SOTO, and
others similarly
situated,

Plaintiffs

VERSUS

SOUTH CENTRAL SUGARCANE
GROWERS ASSOCIATION AND
STERLING SUGARS, LLC

Defendants

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* CIVIL ACTION
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* NO. 6:24-CV-01392
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Deposition of FELIPE DE JESUS AVILA-SOTO,
taken through an interpreter, on the 16th day of
December. The witness and Mr. Morton and Mr.
Davis attended the deposition in person at the
Hotel Azul Talavera Country Club, Parque
Industrial Lajat, 27259 Torreon, Coah; Ms.
McDiarmid, Mr. Knoepp, the court reporter and
interpreter attended remotely, via Zoom.

APPEARANCES:

LAW OFFICES OF DAWSON MORTON
(By: Dawson Morton, Esquire
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- and -

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1 APPEARANCES CONTINUED:

2

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10 PHELPS DUNBAR
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15 (Attended via Zoom)

16 Attorneys for Defendants

17

INTERPRETER:

18

19 Amelia Smith
20 TNOLA Translations

21

REPORTED BY:

22

23 Cathy Renee' Powell, CCR
24 Professional Shorthand Reporters
25 (504) 529-5255

26

* * *

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EXAMINATION INDEX

28 EXAMINATION BY MR. DAVIS5

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INDEX OF EXHIBITS

31 Exhibit No. 151

32

33 Mexican passport and visa information,

34

35 SCSCGA 000013, 000014; 000021, 000022.

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1 Exhibit No. 266
2 Passport and visa application, AVILA-SOTO PL
3 00161, 00162, 00167.
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S T I P U L A T I O N

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It is stipulated and agreed by and between
counsel for the parties hereto that the
deposition of the aforementioned witness is
hereby being taken for all purposes allowed
under the Federal Rules of Civil Procedure, in
accordance with law, pursuant to notice;

That the formalities of reading and signing
are specifically not waived;

That the formalities of filing, sealing,
and certification are specifically waived;

That all objections, save those as to the
form of the question and the responsiveness of
the answer, are hereby reserved until such time
as this deposition, or any part thereof, may be
used or sought to be used in evidence.

CATHY RENEE' POWELL, CCR, Certified Court
Reporter, in and for the State of Louisiana,
officiated in administering the oath to the
witness.

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1 Gracias, Mr. Avila.

2 EXAMINATION BY MR. DAVIS:

3 Q. How did you prepare to provide
4 testimony today?

5 A. Prepare? Prepared just like normal.

6 THE INTERPRETER:

7 I'm sorry. The interpreter needs
8 to clarify.

9 (Discussion off the record.)

10 MR. MORTON:

11 We don't want to have any
12 conversations that are off the record.

13 THE INTERPRETER:

14 I interpreted to him what I said
15 to you.

16 MR. MORTON:

17 I think his answer got
18 translated, and we can go forward.

19 THE INTERPRETER:

20 I was trying to tell him that I
21 did not hear everything he said.

22 (Discussion off the record.)

23 MR. DAVIS:

24 Counsel, the court reporter and
25 the interpreter have informed us that they

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1 just to only say the truth.

2 EXAMINATION BY MR. DAVIS:

3 Q. Did you rehearse your testimony?

4 MR. MORTON:

5 Objection.

6 THE WITNESS:

7 No.

8 EXAMINATION BY MR. DAVIS:

9 Q. Did you review --

10 MR. MORTON:

11 It didn't get translated yet
12 because the interpreter has not had a
13 chance to say it. He sai, "Rehearsal, no."

14 I would just like to caution
15 opposing counsel that he should be aware of
16 attorney-client privilege, and questions
17 that seek to violate the attorney-client
18 privilege are inappropriate.

19 MR. DAVIS:

20 Cathy, would you call back my
21 last question?

22 (Read back as requested:

23 "Q. Did you rehearse your testimony?")

24 EXAMINATION BY MR. DAVIS:

25 Q. Did you rehearse your testimony?

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1 A. No, like I say, I didn't rehearse, I'm
2 just only saying the truth.

3 MR. MORTON:

4 I will just state for the record
5 that the witness doesn't understand the
6 practice of reading back testimony, so when
7 the interpreter read back the question, he
8 just answered it again.

9 EXAMINATION BY MR. DAVIS:

10 Q. Mr. Avila, you mentioned to me earlier
11 that you have not consumed any prescription
12 drugs or alcohol today; is that accurate?

13 MR. MORTON:

14 Objection.

15 THE WITNESS:

16 That is correct, yes.

17 EXAMINATION BY MR. DAVIS:

18 Q. Are you experiencing any difficulty
19 understanding Amelia, the Spanish interpreter?

20 A. I am hearing well, and I understand
21 what she is saying.

22 Q. Have you misunderstood any question
23 that has been asked of you in the past
24 20 minutes?

25 A. No.

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1 Q. Did you review any documents to
2 prepare for your testimony today?

3 A. Well, everything -- like I said --

4 THE INTERPRETER:

5 I'm sorry, he sounds very far
6 away. I am going to ask the deponent to
7 speak a little louder and perhaps take
8 pauses; it helps a little bit -- with the
9 Zoom -- just so everybody knows what I am
10 about to ask him.

11 (The interpreter repeats request
12 regarding audio.)

13 THE INTERPRETER:

14 I let him know that this is just
15 a general housekeeping thing.

16 MR. DAVIS:

17 Okay.

18 MR. MORTON:

19 Shall we mute your phone for one
20 second and try the audio on my laptop?

21 MR. DAVIS:

22 Amelia; Cathy?

23 (Discussion off the record.)

24 MR. MORTON:

25 That translation didn't come out

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1 well.

2 THE INTERPRETER:

3 I'm sorry?

4 MR. MORTON:

5 Something happened and we didn't
6 hear. We heard you were speaking, but we
7 didn't hear you.

8 THE INTERPRETER:

9 I didn't know what you were
10 trying to say.

11 EXAMINATION BY MR. DAVIS:

12 Q. So Mr. Avila, would you describe your
13 normal preparations?

14 A. Well, describe them in what sense?

15 Q. Tell me what you meant when you said
16 you "prepared just like normal."

17 A. Well, just in terms of preparations,
18 normal preparations. The issue for me is just
19 to answer the questions I am asked with the
20 truth, and that's all.

21 Q. Did you discuss your case with anyone
22 in preparation for your testimony today?

23 A. Just speaking with my wife about it.

24 Q. Besides your wife, did you discuss
25 your testimony with anyone else?

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1 A. No.

2 Q. When did you first learn that you had
3 been requested to provide testimony today?

4 A. When was it? Well, it was on a video
5 call.

6 Q. When did that video call happen?

7 MR. MORTON:

8 I object to the translation.

9 THE INTERPRETER:

10 I'm sorry, I said "video"; the
11 witness said "phone call."

12 That is my fault. The
13 interpreter apologizes. He said it was a
14 phone call.

15 MR. MORTON:

16 I will also caution counsel that
17 we are very close to asking for
18 attorney-client privileged information.

19 MR. DAVIS:

20 Counsel, I will remind you that
21 the federal courts have issued guidance to
22 attorneys in depositions that regulate and
23 significantly restrict speaking objections.

24 You stated at the beginning of
25 the deposition that all objections were

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1 reserved other than as to form, so I will
2 ask you to just state your objection, and
3 then we can move forward.

4 You cautioned that your
5 perception is that we are getting close to
6 eliciting privileged communication. I ask
7 that you limit your objections to those
8 that are properly lodged, and not make
9 objections that are premature.

10 MR. MORTON:

11 I don't appreciate -- I am
12 familiar with federal rules. You have
13 directly asked a privileged question. I
14 prefer we don't have to argue about
15 privilege. And the witness just said, "no,
16 it was just a call."

17 EXAMINATION BY MR. DAVIS:

18 Q. When did you have that call?

19 A. When did it happen? It was Thursday.
20 The lawyer just told me on Friday that I was
21 going to come for this.

22 THE INTERPRETER:

23 And the interpreter did not hear
24 the end of that.

25 MR. DAVIS:

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1 kind of lawsuit apart from this.

2 EXAMINATION BY MR. DAVIS:

3 Q. Before this lawsuit, did you ever make
4 any attempt to join any other type of lawsuit in
5 the United States?

6 A. Negative.

7 Q. You mentioned that you lived in
8 Torreon. Approximately how far is your house
9 from Azul?

10 THE INTERPRETER:

11 Approximately how far is the
12 house from what?

13 (Read back as requested:

14 "Q. You mentioned that you lived in
15 Torreon. Approximately how far is your
16 house from Azul?")

17 THE WITNESS:

18 From my house to here? Where I
19 am here right now? We are like 10 minutes
20 out.

21 EXAMINATION BY MR. DAVIS:

22 Q. Thank you, Mr. Avila. So your home is
23 about 10 minutes away from the Azul Hotel?

24 A. Correct.

25 Q. Mr. Avila, what is your address?

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1 A. My address is --

2 THE INTERPRETER:

3 The interpreter will clarify.

4 San Miguel, in the municipality
5 of Matamoros, in Michoacan state.

6 MR. MORTON:

7 Just so we get it clear, he said
8 (unclear) San Miguel. It is a known
9 address.

10 THE INTERPRETER:

11 It's a known address.

12 MR. DAVIS:

13 Counsel, if the plaintiffs have
14 any objection to the interpretation, will
15 you please cooperate with me by objecting,
16 and then explain that you have an issue
17 with the interpretation so we are all on
18 the same page, and so that we can have a
19 fair chance with the interpretation.

20 THE INTERPRETER:

21 The interpreter didn't hear if
22 you said you were making an objection or
23 not.

24 MR. MORTON:

25 Mr. Davis asked me to state an

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1 objection before I raised issues with
2 translation, and I agreed I would do so.

3 MR. DAVIS:

4 And, counsel, I will certainly
5 make an effort to speak up so that the
6 court reporter and translator can hear me
7 as clearly as possible.

8 Would you mind moving the
9 microphone and placing it in between you
10 and Mr. Avila?

11 MR. MORTON:

12 Yes.

13 MR. DAVIS:

14 Thank you, counsel.

15 EXAMINATION BY MR. DAVIS:

16 Q. Mr. Avila, how long have you lived at
17 that address?

18 A. Approximately an average of 40 years.

19 Q. Excuse me, did you say 14 years or
20 40 years?

21 A. Forty years.

22 Q. Where were you born, Mr. Avila?

23 A. I was born in the state of Michoacan.

24 Q. Is that area close to Torreon?

25 A. Negative. We are approximately a

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1 thousand kilometers away here.

2 Q. How long have you lived in this area?
3 Is it longer than 40 years?

4 A. It's between like 40 -- 40 years.

5 Q. What is your age, sir?

6 A. I was born in 196 --

7 THE INTERPRETER:

8 I'm sorry; the interpreter will
9 clarify.

10 THE WITNESS:

11 I was born in 1965.

12 MR. MORTON:

13 Objection. The rest of his
14 answer after, "I was born in 1965, so I am
15 60 years old."

16 EXAMINATION BY MR. DAVIS:

17 Q. Mr. Avila, did you move to this region
18 when you were around 20 years old?

19 A. More or less, around there.

20 Q. Why did you move to this Torreon area
21 in your 20s?

22 A. It was an issue -- personal issues
23 from when my father passed away.

24 Q. My father also passed away when I was
25 young; you have my sympathy.

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1 A. I went through high school.

2 Q. After high school, did you receive any
3 additional education?

4 A. No, negative. I just --

5 THE INTERPRETER:

6 The interpreter will ask for
7 clarification.

8 MR. MORTON:

9 Objection. "I dedicated myself
10 to trailers."

11 THE WITNESS:

12 I worked with trailers.

13 THE INTERPRETER:

14 I'm sorry; I just wanted to be
15 sure I got that right.

16 EXAMINATION BY MR. DAVIS:

17 Q. I think you testified that after your
18 education, you dedicated yourself to trailers;
19 is that accurate? Or can you explain?

20 A. So before my father passed away, he
21 had a trucking business, and the thing is, after
22 that, the relatives wanted everything.

23 THE INTERPRETER:

24 The interpreter needs to clarify.

25 THE WITNESS:

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1 tires."

2 EXAMINATION BY MR. DAVIS:

3 Q. Did you start working in that family
4 business in Torreon around the time you were 20?

5 MR. MORTON:

6 Objection.

7 THE WITNESS:

8 Affirmative.

9 EXAMINATION BY MR. DAVIS:

10 Q. How long did you work in the family
11 business in Torreon before going to the United
12 States?

13 MR. MORTON:

14 Objection.

15 THE WITNESS:

16 Well, it was a little while.

17 That is all I have done my whole life, is
18 just be a truck operator.

19 EXAMINATION BY MR. DAVIS:

20 Q. Is that family business still in
21 operation today?

22 A. Negative. It is over.

23 Q. When did you stop working for the
24 family trucking business that was started in
25 Torreon approximately 40 years ago?

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1 A. It's been, like, 20 years since I have
2 worked with the family.

3 MR. MORTON:

4 Objection. "At the age of
5 20 years."

6 THE WITNESS:

7 At 20 years old, I worked as a --
8 I worked on trailers, or worked with
9 trailers.

10 EXAMINATION BY MR. DAVIS:

11 Q. At that time, your family moved from
12 Torreon?

13 A. Affirmative. We all came.

14 Q. Did you work in your family's trucking
15 business in Torreon from the time you were 20
16 until the time you were 40?

17 A. Something like 40 years.

18 Q. Mr. Avila, will you please repeat your
19 last answer?

20 THE INTERPRETER:

21 The interpreter will also ask him
22 to speak louder, again.

23 THE WITNESS:

24 The answer was that I worked for
25 20 years with the family.

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1 A. Around 3 years.

2 Q. In that 3-year period of time working
3 for Francisco, what was name of the company?

4 A. The company's name is --

5 THE INTERPRETER:

6 The interpreter will request he
7 say it slowly, and the interpreter will
8 clarify that when he speaks quickly, it can
9 get snagged.

10 THE WITNESS:

11 Maria Dolores Castro.

12 MR. DAVIS:

13 Amelia, would you please repeat
14 that?

15 THE INTERPRETER:

16 It is Maria Delores Castro.

17 EXAMINATION BY MR. DAVIS:

18 Q. Is that Maria Delores Castro?

19 A. Yes.

20 Q. Did you work with any other employer
21 after Maria Delores Castro?

22 A. No. I worked for a place called Ideal
23 Mattresses.

24 THE INTERPRETER:

25 The interpreter will clarify.

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1 A. I don't have a visa apart from my work
2 one.

3 THE INTERPRETER:

4 The interpreter will clarify.

5 THE WITNESS:

6 I just said that I entered with
7 this work visa, and that I have not entered
8 illegally.

9 MR. DAVIS:

10 Counsel, do you have an
11 objection?

12 MR. MORTON:

13 I object to having conversations
14 between the witness and the interpreter
15 that are not on the record. There are
16 conversations that are occurring that are
17 only in Spanish.

18 THE INTERPRETER:

19 I want to be sure to interpret
20 everything that is being said. The
21 interpreter is simply trying to make sure
22 that she captures everything that is being
23 said. But, understood.

24 MR. DAVIS:

25 Thank you, Amelia. To the extent

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1 there was any portion of the interpretation
2 that was not translated into English since
3 we resumed from the break, would you please
4 repeat the portion?

5 THE INTERPRETER:

6 The interpreter thought he had a
7 more extended answer, so the interpreter
8 was just trying to capture the end of his
9 last answer.

10 EXAMINATION BY MR. DAVIS:

11 Q. Mr. Avila, you explained to me that
12 you have never entered the United States
13 illegally; is that correct?

14 A. That's correct.

15 Q. When you first entered the United
16 States in 2020, what type of visa did you use?

17 MR. MORTON:

18 Objection.

19 THE WITNESS:

20 It was an H something or other, I
21 don't remember any more. H something.

22 EXAMINATION BY MR. DAVIS:

23 Q. How did you obtain that H visa?

24 A. Well, I was recommended -- they
25 recommended me --

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1 Q. Who employed this coworker when he
2 worked with you?

3 A. The recruiter's name is Jose' Santos,
4 and the name of the business --

5 THE INTERPRETER:

6 I believe the deponent said, "I
7 don't remember," and I can confirm.

8 THE WITNESS:

9 Yes. I don't remember the name
10 of the company that they were with.

11 EXAMINATION BY MR. DAVIS:

12 Q. Do you remember the name of the
13 coworker?

14 A. His name is -- I don't remember his --
15 I don't remember his last name. Edgar?

16 MR. MORTON:

17 Objection. His name is Sergio.

18 MR. DAVIS:

19 Go ahead.

20 THE INTERPRETER:

21 I was just repeating the
22 objection for the witness.

23 EXAMINATION BY MR. DAVIS:

24 Q. Is the coworker's name Sergio?

25 A. Sergio, affirmative.

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1 consulate?

2 A. That's correct.

3 Q. And did an officer for the consulate
4 interview you for the tourist visa?

5 A. I had to demonstrate citizenship.

6 MR. MORTON:

7 Objection.

8 THE INTERPRETER:

9 I'm sorry, the interpreter is
10 really having trouble hearing.

11 MR. MORTON:

12 He said, those that are in the
13 windows. The santa (indiscernable).

14 THE INTERPRETER:

15 Apologies. Again, if you can get
16 the witness to speak louder and slower.

17 EXAMINATION BY MR. DAVIS:

18 Q. Mr. Avila, if you don't mind, will you
19 please try to speak up, because the interpreter
20 has complained that she can't hear you.

21 (Discussion off the record.)

22 THE WITNESS:

23 That's correct. We will do it
24 that way.

25 MR. DAVIS:

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1 Thank you for cooperating with
2 everybody, Mr. Avila.

3 THE WITNESS:

4 Thank you guys for having
5 patience with me.

6 EXAMINATION BY MR. DAVIS:

7 Q. I'm going to show you a document I
8 have marked as Exhibit 1. These documents are
9 identified as SCSCGA 13, 14, and 21 and 22.

10 MR. MORTON:

11 Just so I understand, for the
12 record, Brandon, it is four pages, two of
13 which are blank, and there are two pages
14 that have the same page number. So SCSCGA
15 14 is a blank document, and SCSCGA 22 is a
16 blank document.

17 EXAMINATION BY MR. DAVIS:

18 Q. Have you had a chance to review those
19 pages marked as Exhibit 1?

20 A. Yes.

21 Q. What are those documents?

22 A. This is for the passport and visa.

23 Q. Is that your passport? Is that a
24 picture of your passport?

25 A. Affirmative.

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1 MR. DAVIS:

2 Our last break was approximately
3 30 minutes ago, and I would like to
4 continue for another 30 or 45 minutes, and
5 then we can break for lunch.

6 MR. MORTON:

7 Your clock must work differently
8 than mine. I have we were back on the
9 record at 11:05, which is an hour ago.

10 MR. DAVIS:

11 We took the break -- we resumed
12 some time about 10 or so minutes after
13 that. I'm not going to starve anybody, but
14 it would seem that we could take at least
15 another hour of testimony since the last
16 break.

17 Dawson, when would you like to
18 break for lunch?

19 MR. MORTON:

20 I don't want to argue with you
21 about time. I appreciate your willingness
22 to argue about time. It has been more than
23 an hour, and I realize you don't want to
24 say that, and you are saying it was not. I
25 am just noting that people are tired, and

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1 I'm not trying to interrupt your line of
2 questioning, but I am suggesting that we
3 need to take a break for lunch soon-ish.

4 MR. DAVIS:

5 Counsel, I asked you what time
6 you wanted to take a break, and I believe
7 you said about 11:30 --

8 MR. MORTON:

9 We ordered some tacos for lunch,
10 and the tacos will be here at 11:30. Let's
11 continue with your line of questioning, and
12 after this line of questioning, we can stop
13 so that everybody can take a break.

14 EXAMINATION BY MR. DAVIS:

15 Q. Mr. Avila, what did Somos Fletes have
16 to do with your application for a tourist visa
17 at the U.S. consulate in Monterrey?

18 A. I don't know why you are asking this
19 again and again. What I am saying is that when
20 I was there, they asked me what I was getting
21 paid in, and I said cash when it should have
22 been card.

23 Q. I'm asking you because I have not
24 understood your answers, and I would like to be
25 able to understand your responses clearly.

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1 A. Yes.

2 Q. What --

3 MR. MORTON:

4 I don't think we got his answer
5 translated.

6 THE WITNESS:

7 A visa -- a visa.

8 EXAMINATION BY MR. DAVIS:

9 Q. On the documents labeled Avila-Soto
10 162 --

11 MR. MORTON:

12 Can you tell us which page that
13 is?

14 MR. DAVIS:

15 161 and 162.

16 MR. MORTON:

17 Which of the three pages? Is it
18 the first two?

19 MR. DAVIS:

20 Do you see the Bates label on
21 these documents?

22 MR. MORTON:

23 I'm going to staple them.

24 I think it will be easier for the
25 witness if you refer to them in order. I

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1 The difference is that we don't
2 turn our passport in.

3 THE INTERPRETER:

4 I'm sorry, the deponent has his
5 hand over his mouth.

6 THE WITNESS:

7 So we handed our passport in to
8 the person who is the dedicated person to
9 doing these processes.

10 EXAMINATION BY MR. DAVIS:

11 Q. Who was the dedicated person for this
12 process reflected in page 161?

13 A. It was a person with the recruiter.

14 Q. Is that recruiter's name Jose' Santos?

15 A. Affirmative. Yes, that is right.

16 Q. What discussions did you have with
17 Jose' Santos about that H visa, page 161?

18 A. I'm sorry, could you repeat the
19 question? I did not understand it so well.

20 MR. DAVIS:

21 Sure. Cathy, will you please
22 call the question back?

23 (Read back as requested:

24 "Q. What discussions did you have with
25 Jose' Santos about that H visa, page 161?")

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1 THE WITNESS:

2 Nothing.

3 MR. MORTON:

4 We're not getting the correct
5 translation. "We were told to turn in our
6 passports, and if we were to be asked for
7 an interview, we were advised that we would
8 be told to report in the morning for an
9 interview."

10 MR. DAVIS:

11 Amelia, will you please translate
12 and repeat Dawson's interpretation?

13 (Read back as requested:

14 "MR. DAWSON: We're not getting the
15 correct translation. 'We were told to turn
16 in our passports, and if we were to be
17 asked for an interview, we were advised
18 that we would be told to report in the
19 morning for an interview.'")

20 EXAMINATION BY MR. DAVIS:

21 Q. Mr. Avila, is that statement accurate?

22 A. Well, I will tell you, we turned in
23 our passport, and then the person that had been
24 called for the interview would be called for
25 that morning, and they were in charge of taking

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1 us.

2 Q. Did you turn in a passport to obtain
3 the visa that is Avila-Soto 161?

4 A. Yes, correct.

5 Q. Were you called to attend an interview
6 concerning the H visa that is at Avila-Soto 161?

7 A. No, they didn't call me for an
8 interview.

9 Q. Now, besides turning in your passport,
10 did you provide Jose' Santos with any other
11 information to obtain the H visa that is at page
12 161?

13 A. Negative. Like I said --

14 THE INTERPRETER:

15 I'm so sorry, y'all. I am having
16 trouble getting the longer strings of
17 speech.

18 MR. MORTON:

19 Let me state the translation.

20 MR. DAVIS:

21 Objection. You can object all
22 you want, but --

23 MR. MORTON:

24 Excuse me. I would like to
25 continue.

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1 MR. DAVIS:

2 I object. I got it, and I don't
3 need to hear it again.

4 MR. MORTON:

5 You are arguing to prevent things
6 going on the record. Why?

7 MR. DAVIS:

8 Counsel, excuse me, please. The
9 translator was trying to recite everything
10 that had just transpired for Mr. Avila, and
11 she has explained again to Mr. Avila that
12 she would appreciate it if he could pause
13 during his testimony so that she could
14 translate it easier.

15 MR. MORTON:

16 I just want to get down the part
17 that was not translated. "They explained
18 to us that you would get your passport back
19 with the visa in it."

20 MR. DAVIS:

21 Now, counsel, I objected before
22 you gave that translation; that's because
23 there was cross talk between what you were
24 saying and what the translator was trying
25 to give to the court reporter.

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1 I believe that it is appropriate
2 that I asked you to excuse me so that the
3 translation and the recordation process can
4 work and everyone can be heard.

5 It is approximately 1:30 in the
6 afternoon, and we have been resumed now for
7 about 7 minutes. If you can please ask
8 Mr. Avila to try to pause and manage his
9 testimony in increments, my hope is that we
10 can progress and complete our work with
11 ease.

12 MR. MORTON:

13 Again, my watch and your watch
14 are different, but I am certainly agreeable
15 in reminding Mr. Avila if he can give a
16 pause, that might aid the translation, but
17 also, when the translation is incomplete, I
18 plan to object.

19 MR. DAVIS:

20 Counsel, I think that makes
21 sense. I ask that you attempt to let the
22 interpretation from the translator land
23 with Cathy first, and then if you have an
24 objection to the translation, by all means
25 alert us and state it on the record.

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1 If we can try to cooperate that
2 way, I certainly hope that I can save
3 Mr. Avila's time and our financial
4 interests.

5 MR. MORTON:

6 I am just concerned that it is a
7 bit unfair for Mr. Avila when his answer
8 does not get translated.

9 THE INTERPRETER:

10 Again, the interpreter will
11 remind you-all that I am doing my best, and
12 when there are long strings of speech, it
13 is not always feasible to catch everything,
14 and that is why I have been asking him to
15 tell me what the end of his answer is. If
16 we can just pause more often, it would flow
17 so much better.

18 MR. DAVIS:

19 So counsel, I certainly agree
20 that Mr. Avila should have a fair
21 opportunity to be heard, and that includes
22 if you believe that the translation is
23 incomplete or incorrect, you can make an
24 objection and correct that.

25 I'm in agreement with you, to

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1 allow you the opportunity -- we're sitting
2 together; I can see if there is something
3 you want to say. What I hope that we can
4 improve is simply allowing the record to be
5 made, and then raising the objections so
6 that everything can land on the record.

7 MR. MORTON:

8 That's fine.

9 EXAMINATION BY MR. DAVIS:

10 Q. All right, Mr. Avila. We are going to
11 go ahead and resume, and maybe we can go just a
12 little more slowly so that everybody is clear.

13 A. Okay.

14 (Read back as requested:

15 "Q. Now, besides turning in your
16 passport, did you provide Jose' Santos with
17 any other information to obtain the H visa
18 that is at page 161?")

19 THE WITNESS:

20 Well, I just had to turn the
21 passport in, and that is all I had to do
22 myself.

23 EXAMINATION BY MR. DAVIS:

24 Q. Now, did Jose' Santos explain any
25 terms and conditions of the passport application

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1 at Avila-Soto 161?

2 A. No.

3 Q. What was your understanding of how he
4 would use the H visa at Avila-Soto 161?

5 A. On the other side of the visa --

6 THE INTERPRETER:

7 I'm sorry; the answer cut out.

8 EXAMINATION BY MR. DAVIS:

9 Q. Mr. Avila, will you please repeat your
10 answer?

11 A. We had put down that we were
12 agricultural workers.

13 MR. MORTON:

14 Objection; the translation is
15 incorrect.

16 "They had explained to us that we
17 would be agricultural operators."

18 THE INTERPRETER:

19 I'm sorry; I'm having trouble
20 with the sound cutting out.

21 MR. DAVIS:

22 Okay, Amelia, would you translate
23 my last question for Mr. Avila?

24 (The interpreter repeats the last
25 question.)

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1 EXAMINATION BY MR. DAVIS:

2 Q. Was that answer correct, Mr. Avila?

3 A. Correct.

4 Q. When did you put down that you would
5 be an agricultural worker?

6 A. At the office. All the time, they
7 told us this.

8 THE INTERPRETER:

9 I want to let you guys know I'm
10 having difficulty hearing him; he just
11 keeps cutting out. I don't know if he can
12 get closer to the mike.

13 EXAMINATION BY MR. DAVIS:

14 Q. Mr. Avila, are you able to please
15 speak up so that your testimony can be heard?

16 A. Of course.

17 MR. DAVIS:

18 Cathy, can you call back his
19 answer?

20 (Read back as requested:

21 "A. At the office. All the time, they
22 told us this.")

23 MR. MORTON:

24 The translation "at the office"
25 was incorrect, and I object.

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1 EXAMINATION BY MR. DAVIS:

2 Q. Mr. Avila, what office did you go to
3 when you put down that you would be an
4 agricultural worker to apply for the H visa at
5 Avila-Soto 161?

6 MR. MORTON:

7 Objection, mischaracterizes.

8 I am having a problem because
9 there is incorrect translation, and
10 Mr. Davis is trying to take advantage of
11 the incorrect translation, and that is
12 unfair to the record and unfair to the
13 witness, and I object to it.

14 MR. DAVIS:

15 Counsel, the interpreter has
16 asked, now at least three times since we
17 resumed from the lunch break, that you
18 allow her to interpret before you
19 interrupt. I certainly don't mean to take
20 advantage of anything that Mr. Avila has
21 testified to.

22 EXAMINATION BY MR. DAVIS:

23 Q. So Mr. Avila, where was the office you
24 went to to put down that you were an
25 agricultural worker as relates to the visa on

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1 161?

2 MR. MORTON:

3 Objection.

4 THE WITNESS:

5 That's what we put, that we were
6 in agriculture.

7 MR. MORTON:

8 Objection. "All the time they
9 told us that, that we were agricultural."

10 THE INTERPRETER:

11 The interpreter wants to clarify
12 that that could very well be what was said,
13 but the ability to actually -- it's just --

14 MR. MORTON:

15 I will state that in Spanish.

16 THE WITNESS:

17 They told us we would be in
18 agricultural.

19 EXAMINATION BY MR. DAVIS:

20 Q. When they told you that you would be
21 in agricultural, is that something that Jose'
22 Santos explained to you at the office?

23 A. Well, they said that we were
24 agricultural workers, but we were really in
25 trailers the whole time.

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1 (Read back as requested:

2 "Q. When they told you that you would
3 be in agricultural, is that something that
4 Jose' Santos explained to you at the
5 office?")

6 THE WITNESS:

7 They always told us that; that if
8 we were asked, to say that we were
9 agricultural workers, but we were working
10 at the trailers.

11 EXAMINATION BY MR. DAVIS:

12 Q. Now, my question is different. I have
13 asked you if they told you that at the office?

14 MR. MORTON:

15 Objection, mischaracterizes,
16 based on the translation we previously
17 explained was incorrect and in error.

18 EXAMINATION BY MR. DAVIS:

19 Q. You can answer.

20 A. Well, I can repeat what they always
21 told us; to say that we were agricultural
22 workers, but we were with the trailers.

23 Q. Did you ever go to an office where
24 Jose' Santos helped you to apply for this H visa
25 at 161?

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1 Q. Now, when Jose' Santos helped you to
2 apply for this visa at Avila-Soto 161 --

3 A. Like I will say, we just turned in our
4 passports and the person that --

5 THE INTERPRETER:

6 I'm sorry. I have got to be
7 honest, y'all. It's at the point where my
8 memory is a little affected by the process
9 that is happening here.

10 I'm just going to ask him to
11 repeat his answer.

12 THE WITNESS:

13 Like I said, there was no
14 relationship, it was just to turn in the
15 passport and so they could tell us who
16 the -- that the person who had turned
17 theirs in, that theirs was getting
18 approved.

19 MR. MORTON:

20 Brandon, I think we can all
21 benefit from a break, so that everybody is
22 not tired.

23 MR. DAVIS:

24 Counsel, I don't have a problem
25 with that; we can take a break now. I

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1 don't believe anybody is tired, but no
2 doubt, the interpreter is frustrated
3 because of the feedback and audio, and when
4 we come back, I will just ask if you can
5 try to sit still in your chair.

6 MR. MORTON:

7 Don't treat me like a child,
8 Brandon.

9 We are off the record for a
10 minute.

11 MR. DAVIS:

12 No, we are not going off the
13 record.

14 MR. MORTON:

15 (Inaudible.)

16 MR. DAVIS:

17 I don't believe that it is
18 appropriate for you to put your hand in my
19 face.

20 MR. MORTON:

21 You are 10 feet away from me,
22 Brandon.

23 MR. DAVIS:

24 Which is why I think your hands
25 need to be under control.

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1 MR. MORTON:

2 Brandon, I just asked that you
3 act with professionalism, and it is
4 frustrating that you are unable to do so.

5 MR. DAVIS:

6 Dawson, when you are moving in
7 your chair, I notice that there is a noise
8 that interferes with the sound, and these
9 are the same times that the interpreter
10 complained about interference.

11 MR. MORTON:

12 I get it that you are trying to
13 invent excuses. I think we should go off
14 the record for a minute and take a break.

15 MR. DAVIS:

16 I think you need a break. When
17 we come back, please be mindful that we
18 have interrupting voices that may impact
19 the translation -- the transmission that
20 Amelia was trying to tell us about.

21 MR. MORTON:

22 There is no problem with the
23 audio coming in.

24 MR. KNOEPP:

25 The audio is perfectly fine. I

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1 can hear the audio; that is not the issue.

2 THE INTERPRETER:

3 I apologize; for me, the audio is
4 not clear at all, and the witness is
5 talking very quickly. I believe I should
6 call my office and have another interpreter
7 take over.

8 MR. MORTON:

9 I don't think it is an audio
10 problem either. I appreciate your
11 comments, Mr. Davis, I just wholly disagree
12 with them.

13 Nonetheless, if we go off the
14 record for a second, take a 10-minute
15 break, let Amelia call her office; and if
16 someone wants to stay on, we can also try
17 out the laptop microphone.

18 (Discussion off the record; thereafter,
19 the deposition was adjourned.)

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WITNESS' CERTIFICATE

5

6

7

I have read or have had the foregoing

8

testimony read to me and hereby certify that it

9

is a true and correct transcription of my

10

testimony with the exception of any attached

11

corrections or changes.

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FELIPE AVILA-SOTO

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20

PLEASE INDICATE

21

() NO CORRECTIONS

22

() CORRECTIONS; ERRATA SHEET(S) ENCLOSED

23

24

25

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REPORTER'S CERTIFICATE

This certification is valid only for a transcript accompanied by my original signature and original required seal on this page.

I, Cathy Renee' Powell, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that FELIPE AVILA-SOTO, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing 92 pages; that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board; that I am not related to counsel or the parties herein, nor am I otherwise interested in the outcome of this matter.

CATHY RENEE' POWELL
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